

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DERRICK D. JOHNSON,

Plaintiff,

v.

Civ. No. 24cv746 JB/SCY

GERALD LAVELLE, MONIQUE R.
DAVILA, and STATE OF NEW MEXICO
CHILD SUPPORT ENFORCEMENT
DIVISION 3,

Defendants.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

THIS MATTER comes before the Court on Defendants' Motion to Remand to State Court (Doc. 5). Plaintiff did not file a response, therefore, it is deemed unopposed. D.N.M.LR-Civ. 7.1(b). I recommend the Court grant the unopposed motion to remand.

In this lawsuit, pro se Plaintiff seeks review of a state domestic relations court judgment regarding child custody and child support. On July 22, 2024, Defendants Gerald Lavelle and State Of New Mexico Child Support Enforcement Division 3 removed this case from state court pursuant to federal question jurisdiction. Doc. 1 ¶¶ 4-5. On July 23, the Court issued an Order to Show Cause questioning jurisdiction over Plaintiff's claims under the *Rooker-Feldman* doctrine. *See id.* at 2-3.

[T]he *Rooker-Feldman* doctrine prohibits a lower federal court from considering claims actually decided by a state court, and claims inextricably intertwined with a prior state-court judgment. In other words, *Rooker-Feldman* precludes a party losing in state court from seeking what in substance would be appellate review of a state judgment in a United States district court, based on the losing party's claim that the state judgment itself violates the loser's federal rights.

Kenmen Eng'g v. City of Union, 314 F.3d 468, 473 (10th Cir. 2002) (cleaned up).

In response to the order to show cause, the removing defendants filed a motion to remand the case to state court. Doc. 5. Plaintiff did not file a response to the motion to remand, but continues to assert the state child custody and child support orders should be overturned. Doc. 11. The federal court does not have jurisdiction over his challenge to these state court orders. *Kenmen Eng’g*, 314 F.3d at 473.

For the reasons stated in the July 23 Order to Show Cause and Defendants’ Motion to Remand, I recommend the Motion be granted and this case remanded to state court.


STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 14 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). A party must file any objections with the Clerk of the District Court within the fourteen-day period if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.